

Town of Lincoln

Zoning Board of Review

100 Old River Road, Lincoln, RI

Minutes of March 1, 2011 Meeting

Present: Jina Karampetsos (Chair), John Bart (Vice Chair), Mark Enander, David DeAngelis, Lori Lyle, John Barr, Anthony DeSisto (Town Solicitor)

Excused: Barry Nickerson

Minutes

Motion made by Member Enander to approve Minutes from the February 2011 meeting. Motion seconded by Member Bart. Motion carried by all present.

Correspondence: None.

Applications:

Robert & Susan Lewis, 12 Meeting House Road, Lincoln, RI – Application for Special Use Permit for the construction of an addition/in-law apartment.

AP 29, Lot 188 Zoned: RS 20

Russell Hervieux, Zoning Official informed the Board he received correspondence dated February 22, 2011 from applicant asking to

rescind their application because daughter purchased the property next to theirs and they no longer needed the proposed renovations. No motion required.

James M. Ackley, 9 Gousy Street, Manville, RI – Application for Dimensional Variance seeking front and side yard relief for the construction of an addition bedroom.

AP 36, Lot 12 Zoned: RL 9

Chair read into the record standards that need to be met for a Dimensional Variance. Member Lyle sat on this application.

Applicant is seeking side yard relief to construct an addition consisting of a bedroom above a garage. Submitted into the record contractor plans as Exhibit #1. Proposed location of new addition best because cannot build to the left of the existing house because of neighbor; heavy vegetation is located to the right side; problem with elevation at the rear; and there is a 10'x15' deck. Submitted plans show a master bath but they are unsure if they will put one in. Addition will match exterior of house and roof. There are other homes in the area similar to what they are proposing. Currently have 1700 s.f. and addition will be 312 s.f. for a total of 2012 s.f.

Chair read into the record Technical Review Committee recommendations:

Members of the Technical Review Committee visited the site and

reviewed the submitted plans and application. The Technical Review Committee recommends Approval of this application for a Dimensional Variance of the front and side yard setbacks for the construction of an addition. The TRC determined that the layout of the existing single family house and the proposed addition is limited due to the steep slope of the backyard. Extraordinary construction means would need to be employed if the applicant was required to build the proposed addition in the rear yard. The Technical Review Committee finds that the applicant presents a realistic site layout that meets the intent of the zoning and is the least relief needed. The Committee feels that granting these dimensional variances will not impair the intent or purpose of the Zoning Ordinance, nor the Comprehensive Plan.

No opposition present.

Russell Hervieux, Zoning Official stated he looked at the site plan on file from 2002 and the lot width is the only non conformance issue. The stairway in front of the premises was included when the Certificate of Occupancy was issued and no changes have been made to the stairs. Drawings on file do not show stairs.

Motion made by Member Barr to grant the application stating:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a

physical or economic disability of the applicant.

- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property**

Motion seconded by Chair Karampetsos to grant application seeking 6.6 feet north side; 3 feet front for stairs and 1.6 feet of lot width relief.

She further stated that the hardship was due to the slope of the rear yard and the proposed layout makes the most sense. The addition will not change the area as there are other similar homes in the neighborhood. Motion carried by all present.

42 Water Partners, LLC, 1092 Great Road, Lincoln, RI/Edward & Ida Farnworth;, 15 Lennon Road, Lincoln, RI – Application for Dimensional Variance seeking rear yard and lot width relief for construction of new home.

AP 45, Lot 304 Zoned: RA 40

Represented by: John Shekarchi, Esquire, 132 Old River Road, Lincoln, RI

Russell Hervieux, Zoning Official informed the Board that one notice was returned for Vivian Chartier, 14 Lennon Road, Lincoln, RI. Mailing address was from a previous tax role. Attorney Shekarchi informed the Board that his father lives next door to Vivian Chartier and he notified her of the meeting and was comfortable with notice being served.

Chair read into the record standards that need to be met for a Dimensional Variance. Member DeAngelis sat on this application.

Edward & Ida Farnworth, owners of the lot, are under the contract to sell the property to applicant. The lot is a recorded lot of record approved by the Planning Board 40 years ago. Applicant is seeking rear yard and lot width relief to build a small home within the envelope (approximately 1300 s.f.). Water and sewer services will be provided to the lot. Attorney Shekarchi submitted into the record: Exhibit #1 Photo of the proposed house; Exhibit #2 Copy of recorded plat; Exhibit #3 Area drawn in pencil; and Exhibit #4 Scale of what normal setback would be

Witness:

Edward Pimentel, AICP

He has appeared before this Board as a land use and planning expert on past applications. Motion made by Chair to accept him as an expert witness. Motion seconded by Member Barr. Motion carried by

all present.

Submitted his resume into the record as Exhibit #5. Witness stated Lot 304 is a lot of record and meets zoning requirements of 40,000 s.f. He performed an analysis of 100 separate lots in the area and 54% do not meet the lot requirement. The building envelope for this lot is severely constrained and the proposed house is smaller than the average homes in the area. Submitted his report into the record as Exhibit #6. Chair informed witness that new regulations require any reports for consideration by the Board be submitted ten (10) days prior to the meeting for their review and accepted his report. Mr. Pimentel stated the hardship with this application is due to the land's pre-existing condition and the only use is that of a single family home. The applicant has provided a design that reflects the character of the surrounding residences. House will be a one level ranch similar to other homes in the area on a viable and buildable lot. Permitting the construction will not impair the purpose of the Zoning Ordinance or Comprehensive Plan.

In Favor:

Albert Mazzone, 2 Garwaine Drive, Lincoln, RI

He is an abutter of the property and his house is approximately 250 feet away. Mr. Mazzone does not object to what is being proposed.

Peter Derhagopian, 4 Garwaine Drive, Lincoln, RI

Does not object to what is being proposed.

No opposition present.

Discussion:

Chair agrees with the neighbors that the proposed plans are keeping with the neighborhood homes and the existing envelope would be detrimental to the surrounding area.

Chair read into the record Technical Review Committee recommendations:

Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Technical Review Committee recommends Denial of the application for a rear yard setback dimensional variance and lot width relief for the construction of a new home. The Committee feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. Members of the TRC noted that this application is currently a vacant lot and the proposed house has not been built. The TRC feels that the applicant has an adequate buildable lot envelope to build a house. The applicant did not offer any compelling reasoning for their request within their application. The Technical Review Committee feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land.

Motion made by Chair Karampetsos to approve the application

seeking relief for 26.43 feet rear west front corner; 28.46 feet rear west rear corner; 7.08 feet rear west side of deck; and lot width of 4.43 feet.

She further stated:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant. Unique shape of the envelope is restricted.
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain. Proposed house is similar to other homes in the area.
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.
- The relief requested is the least relief necessary.
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property

Motion seconded by Member Bart. Motion carried by all present.

Election of Officers:

Vice Chair nominated to retain Jina Karampetsos as Chair of the Zoning Board of Review. Seconded by Member Barr. Nomination carried by all present.

Member DeAngelis nominated John Bart as Vice Chair of the Zoning Board of Review. Seconded by Member Enander. Nomination carried by all present.

Proposed zoning ordinance amendments and application updates. Russell Hervieux, Zoning Official, reviewed updated applications that were included in the member's packets. The Board would need to approve the updates if no further changes are needed. The application for "Relief Under the Mapped Street Ordinance" was eliminated in its entirety as it is actually a dimensional variance. Member XXXX made a motion to approve the updated applications as presented. Seconded by Member XXXX. Motion carried by all present.

Motion made by Member DeAngelis to adjourn the meeting. Motion seconded by Chair Karampetsos. Motion carried with a 5-0 vote.

**Respectfully submitted,
Ghislaine D. Therien
Zoning Secretary**